

TITLE 36
FISH AND GAME

CHAPTER 5

RESTRICTIONS ON POSSESSION, TRANSPORTATION, SALE AND USE OF WILDLIFE

36-501. SALE AND PURCHASE OF WILDLIFE -- RESTRICTIONS -- EXCEPTIONS. No person shall sell or buy any species of wildlife or parts thereof except as hereinafter provided.

(a) Sale of Unprotected Wildlife. The sale of legally taken species of wildlife classified as unprotected by law shall be lawful.

(b) Sale of Game Animals. The sale of legally taken hides, horns, or heads of game animals, when detached from the carcass, and mounted wildlife, where sale is not specifically prohibited by federal statute or regulation or state statutes, shall be lawful only when the wildlife to be sold is accompanied by a statement showing that the animals were lawfully taken. It shall be lawful to possess or sell naturally shed antlers or horns of deer, elk, moose, antelope and mountain goat, and antlers or horns of deer, elk, moose, antelope and mountain goat which have died from natural causes.

(c) Sale of Furbearers. The sale of pelts and parts of furbearers when legally taken shall be lawful.

(d) Sale of Seized Wildlife. The sale and purchase of court confiscated, abandoned, or unclaimed wildlife shall be lawful when made in accordance with the provisions of section [36-1304](#), Idaho Code.

(e) Sale of Commercially Raised or Harvested Wildlife. The sale of wildlife legally raised or harvested commercially by properly licensed commercial operations, if required to be licensed, shall be lawful except as provided by rules promulgated pursuant to section [36-104](#)(b)6., Idaho Code. The provisions of this section shall not apply to domestic fur-bearing animals as defined in [chapter 30, title 25](#), Idaho Code.

(f) Sale of Steelhead Trout.

1. Any person holding a wholesale steelhead trout buyer's license may purchase or sell steelhead trout in the state of Idaho that have been taken by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty or executive order, provided that the Indian fisherman is an enrolled member of the tribe holding such rights and the code of such tribe authorizes such sales. A wholesale license is necessary to purchase steelhead trout directly from Indian fishermen or from any other seller whose principal place of business is located outside of the state of Idaho.

2. Any person holding a retail steelhead trout buyer's license may purchase steelhead trout in the state of Idaho from an Idaho licensed wholesale steelhead trout buyer, or from any Indian fisherman lawfully exercising fishing rights authorized by federal statute, treaty, or executive order. A licensed retail steelhead trout buyer may sell steelhead trout directly to the consumer or to an establishment that prepares steelhead trout for consumption.

3. Establishments that prepare steelhead trout for consumption must possess a wholesale or retail steelhead trout buyer's license; however, these licensed establishments may purchase steelhead trout from either wholesale or retail licensed steelhead trout buyers.

4. The fee for a wholesale license shall be as specified in section [36-416](#), Idaho Code, per year. The fee for a retail license shall be as

specified in section [36-416](#), Idaho Code, per year. These licenses shall expire December 31 of the year for which they are valid.

5. No license is required for any person purchasing steelhead trout for personal consumption from a licensed wholesale or retail steelhead trout buyer or from an Indian fisherman lawfully exercising fishing rights authorized by federal statute, treaty, executive order, or tribal code or regulation.

6. Purchases or sales under this section shall be made under conditions and reporting requirements prescribed by commission regulation, provided that said conditions and reporting requirements are limited to those necessary to identify the source of steelhead purchased.

Any person violating the provisions of this subsection shall be found guilty as provided in section [36-1401](#), Idaho Code, and shall be punished as set forth in section [36-1402](#), Idaho Code.

(g) Commission May Permit Sales. The commission may, by rule, permit the sale of other parts of wildlife when such sale will not injuriously affect the species permitted.

[36-501, added 1976, ch. 95, sec. 2, p. 334; am. 1978, ch. 92, sec. 2, p. 171; am. 1983, ch. 55, sec. 1, p. 132; am. 1985, ch. 188, sec. 1, p. 485; am. 1987, ch. 203, sec. 1, p. 429; am. 1989, ch. 373, sec. 1, p. 941; am. 1991, ch. 49, sec. 1, p. 87; am. 1991, ch. 129, sec. 1, p. 284; am. 1991, ch. 289, sec. 1, p. 748; am. 1992, ch. 81, sec. 10, p. 233; am. 1992, ch. 172, sec. 3, p. 540; am. 1993, ch. 79, sec. 1, p. 207; am. 2000, ch. 211, sec. 16, p. 560.]

36-502. POSSESSION -- TRANSPORTATION -- SHIPMENT OF WILDLIFE -- RESTRICTIONS -- EXCEPTIONS -- RELEASE OF CAPTURED WILDLIFE. No person shall possess, transport or ship in any manner, or accept for transportation or shipment any wildlife except as hereinafter provided.

(a) Possession and Transportation.

1. The possession and transportation of any legally taken wildlife shall be lawful when the same is in the possession of or is being transported by the taker of said wildlife and is accompanied by the appropriate licenses, tags, and/or permits attached and/or validated in the manner prescribed by the provisions of sections [36-409](#)(d) and [36-410](#)(a), Idaho Code.

2. Possession or transportation of any legally taken wildlife by any person other than the taker shall be lawful when such wildlife is accompanied by a written statement prepared and signed by the taker showing the number, kind, and date taken and the name, address and license number of the taker and other such information as may be specified by the commission. In addition to such statements said wildlife shall be accompanied by the appropriate validated tag therefor and/or such permits as may be required under the provisions of this title except, for anadromous fish, the permit need not accompany the fish so long as the permit number is written on the proxy statement. Provided, however, that no person may lawfully claim, be granted or assume ownership of more game animals, game birds, or game fish taken within the state than allowed by possession limits established by the commission.

3. It shall be lawful for a person to ship or a common carrier to accept for shipment any legally taken wildlife provided that all packages containing such wildlife shall be plainly labeled designating numbers, sex

and species of wildlife contained therein and the name and address of the consignor and consignee.

4. No person shall give another person wildlife to possess or transport unless they also give the transporter a proxy statement as provided in subsection 2. of this section.

(b) Unlawful Possession. No person shall have in his possession any wildlife or parts thereof protected by the provisions of this title and the taking or killing of which is unlawful.

(c) Release of Captured Wildlife. Any native wildlife, classified as predatory wildlife or unprotected wildlife, captured as the result of activity deleterious to human activity, may be released on private lands in the county of origin or on private lands in adjacent counties to the county of origin, with the written consent of the landowner of the property where the release occurs. The written consent shall include the date and the number of each species to be released.

[36-502, added 1976, ch. 95, sec. 2, p. 340; am. 1990, ch. 315, sec. 1, p. 860; am. 1992, ch. 81, sec. 11, p. 234; am. 2000, ch. 211, sec. 17, p. 562; am. 2010, ch. 83, sec. 1, p. 162.]

36-503. STORAGE OF WILDLIFE -- PROCESSING -- RESTRICTIONS -- EXCEPTIONS -- RECORDS REQUIRED. No person shall store or cause to be stored or leave for storage, cleaning or processing any wildlife or for any person owning or operating any locker, storage or processing business, to accept any wildlife for storage, cleaning or processing except as hereinafter provided.

(a) Owner May Store. Any person who may be legally in possession of wildlife may store said wildlife for such time as he may desire or have such wildlife cleaned or processed provided the appropriate, properly validated tags, permits or statements, required by this title, shall accompany said wildlife.

(b) Storage Facilities -- Records Required. Any person may accept for storage, cleaning or processing any legally taken wildlife provided:

1. Such wildlife is accompanied by the appropriate properly validated tags, permits or statements required by this title.

2. A written record is made of all such wildlife received showing numbers, species, and sex, when discernable, as well as the name, address and fish or game license class and number of the owner of said wildlife. Such record shall be available to the director for inspection upon request.

3. The operator of such storage facility shall, upon request of the director, provide full information concerning all tenants and all persons having access to lockers, lock boxes, and storage compartments leased by him.

[36-503, added 1976, ch. 95, sec. 2, p. 340; am. 1992, ch. 81, sec. 12, p. 235.]

36-504. WILDLIFE TAKEN IN VIOLATION OF OTHER LAWS -- VIOLATIONS. (a) It shall be unlawful for any person to import, export, transport, sell, receive, acquire, purchase or possess any wildlife, as defined in section [36-202](#), Idaho Code, that is taken, possessed or sold on or after July 1, 1991, in violation of any law or regulation of the United States, any Indian law or regulation, or any law or regulation of any state other than Idaho, or laws or regulations of a foreign country.

(b) Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the location where the violation first occurred, but also in any location in which the defendant may have been in possession of such wildlife within the state of Idaho.

(c) All such wildlife shall be subject to the operation and effect of the laws of the state of Idaho to the same extent and in the same manner as though such wildlife had been produced in Idaho.

(d) Any person who violates the provisions of this section shall be punished in accordance with the provisions of [chapter 14, title 36](#), Idaho Code.

[36-504, added 1991, ch. 140, sec. 1, p. 332.]

36-505. SUSPENSION OF HUNTING, FISHING OR TRAPPING LICENSE FOR FAILURE TO PAY UNDERLYING INFRACTION PENALTY -- APPEAL. (1) The department shall immediately suspend the hunting, fishing or trapping license and the hunting, fishing or trapping privileges of any person upon receiving notice from any court of the state that a person has failed to pay the penalty for a fish and game infraction judgment. The notice may be sent to the department by any court which shall certify that a judgment for an infraction violation has been entered against the person and that he has failed to pay the penalty after notice and hearing, or opportunity for hearing, as prescribed by rule of the supreme court.

(2) The suspension of privileges under this section shall continue from notice of suspension by the department until the penalty has been paid. The person shall not be eligible to exercise hunting, fishing or trapping privileges or purchase a new hunting, fishing or trapping license until the penalty has been paid to the county in which judgment was entered. The department shall notify the person by registered mail of the suspension of his hunting, fishing or trapping privileges. No hearing shall be required regarding the suspension of privileges pursuant to this section.

(3) Any person hunting, fishing or trapping while such privileges are suspended under the provisions of this section, shall be in violation of the provisions of [title 36](#), Idaho Code, prohibiting hunting, fishing or trapping without a valid license.

(4) Any person whose hunting, fishing or trapping license has been suspended under the provisions of this section may appeal to the district court in the county where the infraction judgment was entered within the time and in the manner provided for criminal appeals from the magistrates division to the district court. The appeal shall be expedited as provided by rule of the supreme court. If the district court finds that the notice of nonpayment of the infraction penalty should not have been sent to the department for suspension of the hunting, fishing or trapping license, the district court shall order the license reinstated by the department. The department upon receipt of a copy of such order shall reinstate the person's license.

[36-505, added 1991, ch. 222, sec. 1, p. 531.]

36-506. WILDLIFE STRUCK WITH VEHICLE -- DISPATCH -- SALVAGE. (1) In the event a person unintentionally strikes and kills a big game animal, upland game animal, upland game bird, furbearing animal, predatory wildlife or unprotected wildlife on a roadway with a vehicle, a person may salvage the animal.

(2) In the event a person unintentionally strikes a big game animal, upland game animal, upland game bird, furbearing animal, predatory wildlife

or unprotected wildlife on a roadway with a vehicle, leaving the animal severely injured, a person may immediately thereafter, in a safe and humane manner, dispatch the severely injured animal and may salvage the animal.

(3) Within twenty-four (24) hours of the incident in either subsection (1) or (2) of this section, the person shall report the incident to the department of fish and game and, within seventy-two (72) hours of the incident, shall obtain a salvage permit from the department at no cost. The following wildlife must also be presented to the nearest fish and game office to satisfy mandatory check and reporting requirements: Moose, mountain goat, bighorn sheep, mountain lion, black bear, wolf, bobcat and river otter.

(4) The provisions of this section do not apply to protected nongame wildlife, threatened or endangered species, migratory birds including waterfowl, and other wildlife species not lawfully hunted or trapped.

[36-506, added 2018, ch. 75, sec. 1, p. 170.]